IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2386 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NEW INDIA STONE QUARRY

Versus

STATE OF GUJARAT

Appearance:

MR PRASHANT MANKAD FOR MR. YS LAKHANI for Petitioner

MR UDAY BHATT, AGP for Respondents

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 24/01/2003

ORAL JUDGEMENT

1. The petitioner was granted quarry lease in respect of the land mentioned in paragraph 3 of the petition for a period of 10 years as per the lease, a copy of which is at Annexure "A" to the petition. That lease was granted

on 20th August 1987. However, thereafter on the ground that approval of the government was not taken under the provision of Section 73A of the Bombay Land Revenue Code which was enacted for protecting the lands of tribals from being transferred, the quarry lease was terminated by exercising power under Rule 22(xxiii) of the Gujarat Minor Mineral Rules, 1963.

2. It is evident that the quarry lease was only for a period of 10 years. The interim relief was refused in this matter on 14-7-1993 as per the order endorsed on the petition. Therefore, in any event, since the period of 10 years for which the lease was granted was over long back, the petition has become infructuous. It would make no difference even if the petitioners of Special Civil Application No. 5801 of 1991, who claim to be the purchasers from the original owners by getting such permission, succeed.

3. The petition is, therefore, rejected as having become infructuous without prejudice to the rights and contentions that the petitioner may raise on the basis of the outcome of Special Civil Application No. 5801 of 1991 as regards improper termination of lease which even if it had been operative, would have come to an end by efflux of time. There shall be no order as to costs.

[R.K.ABICHANDANI, J.]

parmar*